

State of Washington  
Draft  
REPORT OF EXAMINATION  
FOR WATER RIGHT APPLICATION

**PRIORITY DATE**  
November 19, 1993

**WATER RIGHT NUMBER**  
G3-29582

**MAILING ADDRESS**  
Stevens County Public Utility District No. 1  
PO Box 592  
Loon Lake, WA 99148-0592

**SITE ADDRESS (IF DIFFERENT)**

**Quantity Authorized for Withdrawal**

WITHDRAWAL RATE	UNITS	ANNUAL QUANTITY	UNITS
250	GPM	0	AF/YR

**Purpose**

PURPOSE	WITHDRAWAL RATE	ANNUAL QUANTITY	PERIOD OF USE (mm/dd)
Municipal	250 GPM	0 AF/YR	01/01 - 12/31

**PUBLIC WATER SYSTEM INFORMATION**  
WAITTS LAKE

**WATER SYSTEM ID**  
911308

**CONNECTIONS**  
500

**Source Locations**

Source Name	Parcel #	Well Tag	Twp	Rng	Sec	QQ	Latitude	Longitude
Well 1	2537213	AGG001	31 N.	40 E.	17	NE¼NE¼NE¼	48.19241°N	117.78128°W
Well 2	2537213	AGG002	31 N.	40 E.	17	SE¼NE¼NE¼	48.19183°N	117.78123°W
Well 3	2537213	proposed	31 N.	40 E.	17	SE¼NE¼NE¼	48.19200°N	117.78128°W

Datum: WGS84

**Place of Use (See Attached Map)**

**LEGAL DESCRIPTION OF AUTHORIZED PLACE OF USE**

Area served by Stevens County Public Utility District No. 1. The place of use (POU) of this water right is the service area described in the most recent Stevens County PUD No. 1 Water System Plan approved by the Washington State Department of Health, so long as the water system is and remains in compliance with the criteria in RCW 90.03.386(2). RCW 90.03.386 may have the effect of revising the place of use of this water right.

**Proposed Works**

Three (3) wells, pumps, reservoirs and distribution system

### Development Schedule

#### BEGIN PROJECT

Begun

#### COMPLETE PROJECT

September 1, 2019

#### PUT WATER TO FULL USE

September 1, 2033

### Measurement of Water Use

How often must water use be measured?

Weekly

How often must water use data be reported to Ecology?

Upon Request by Ecology

What volume should be reported?

Total Annual Volume

What rate should be reported?

Annual Peak Rate of Withdrawal (gpm)

### Provisions

Total amount authorized under G3-00714C(1-3-485), G3-01405C(1-3-486), G3-24105C(1-3-487), G3-28284C and G3-29582 shall not exceed 650 gallons per minute and 384 acre-feet per year, continuously, for municipal supply.

This authorization to make use of public waters of the State is subject to existing rights, including any existing rights held by the United States for the benefit of Indians under treaty or otherwise

Nothing in this authorization shall be construed as satisfying other applicable federal, state, or local statutes, ordinances, or regulations.

### Wells, Well Logs and Well Construction Standards

All wells constructed in the state shall meet the construction requirements of WAC 173-160 titled "Minimum Standards for the Construction and Maintenance of Wells" and RCW 18.104 titled "Water Well Construction". Any well which is unusable, abandoned, or whose use has been permanently discontinued, or which is in such disrepair that its continued use is impractical or is an environmental, safety or public health hazard shall be decommissioned.

All wells shall be tagged with a Department of Ecology unique well identification number. If you have an existing well and it does not have a tag, please contact the well-drilling coordinator at the regional Department of Ecology office issuing this decision. This tag shall remain attached to the well. If you are required to submit water measuring reports, reference this tag number.

Installation and maintenance of an access port as described in WAC 173-160- 291(3) is required.

### Measurements, Monitoring, Metering and Reporting

An approved measuring device shall be installed and maintained for each of the sources identified herein in accordance with the rule "Requirements for Measuring and Reporting Water Use", Chapter 173-173 WAC. Water use data shall be recorded weekly and maintained by the property owner for a minimum of five years, and shall be promptly submitted to Ecology upon request.

WAC 173-173 describes the requirements for data accuracy, device installation and operation, and information reporting. It also allows a water user to petition the Department of Ecology for modifications to some of the requirements.

**Department of Health Requirements**

Prior to any new construction or alterations of a public water supply system, the State Board of Health rules require public water supply owners to obtain written approval from the Office of Drinking Water of the Washington State Department of Health. Please contact the Office of Drinking Water prior to beginning (or modifying) your project at DOH/Division of Environmental Health, 16201 E. Indiana Avenue, Suite 1500, Spokane Valley, WA 99216, (509) 329-2100.

**Water Use Efficiency**

The water right holder is required to maintain efficient water delivery systems and use of up-to-date water conservation practices consistent with RCW 90.03.005.

**Proof of Appropriation**

The water right holder shall file the notice of Proof of Appropriation of water (under which the certificate of water right is issued) when the permanent distribution system has been constructed and the quantity of water required by the project has been put to full beneficial use. The certificate will reflect the extent of the project perfected within the limitations of the permit. Elements of a proof inspection may include, as appropriate, the source(s), system instantaneous capacity, beneficial use(s), annual quantity, place of use, and satisfaction of provisions.

**Schedule and Inspections**

Department of Ecology personnel, upon presentation of proper credentials, shall have access at reasonable times, to the project location, and to inspect at reasonable times, records of water use, wells, diversions, measuring devices and associated distribution systems for compliance with water law.

**Findings of Facts**

Upon reviewing the investigator's report, I find all facts, relevant and material to the subject application, have been thoroughly investigated. Furthermore, I concur with the investigator that water is available from the source in question; that there will be no impairment of existing rights; that the purpose of use is beneficial; and that there will be no detriment to the public interest.

Therefore, I ORDER approval of Application No. G3-29582, subject to existing rights and the provisions specified above.

**Your Right To Appeal**

You have a right to appeal this Order to the Pollution Control Hearings Board (PCHB) within 30 days of the date of receipt of this Order. The appeal process is governed by Chapter 43.21B RCW and Chapter 371-08 WAC. "Date of receipt" is defined in RCW 43.21B.001(2).

To appeal you must do the following within 30 days of the date of receipt of the Order.

File your appeal and a copy of this Order with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.

- Serve a copy of your appeal and this Order on Ecology in paper form - by mail or in person. (See addresses below.) E-mail is not accepted.

- You must also comply with other applicable requirements in Chapter 43.21B RCW and Chapter 371-08 WAC.

Street Addresses	Mailing Addresses
<b>Department of Ecology</b> Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503	<b>Department of Ecology</b> Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608
<b>Pollution Control Hearings Board</b> 1111 Israel Road SW Ste 301 Tumwater, WA 98501	<b>Pollution Control Hearings Board</b> PO Box 40903 Olympia, WA 98504-0903

Signed at Spokane, Washington, this xx day of xxx, 2013.

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Keith L. Stoffel, Section Manager

For additional information visit the Environmental Hearings Office Website: <http://www.eho.wa.gov>. To find laws and agency rules visit the Washington State Legislature Website: <http://www1.leg.wa.gov/CodeReviser>.

#### INVESTIGATOR'S REPORT

Application for Water Right – Stevens County Public Utility District No. 1

Water Right Control Number G3-29582

#### BACKGROUND

This report serves as the written findings of fact concerning Water Right Application Number G3-29582. Stevens County Public Utility District No. 1 (PUD) submitted an application to increase the instantaneous rate of withdrawal for municipal use for the Waitts Lake Water System near Valley, Washington. The system currently serves 289 connections and is approved for 500 connections.

<b>Applicant Name:</b>	Stevens County Public Utility District No. 1
<b>Date of Application:</b>	November 19, 1993
<b>Place of Use:</b>	Area served by Stevens County Public Utility District No. 1

County	Water Body	Tributary To	WRIA
Stevens	Groundwater	---	59- Colville

Purpose	Rate	Unit	Ac-ft/yr	Begin Season	End Season
Municipal	250	GPM	0	01/01	12/31

Source Name	Parcel #	Well Tag	Twp	Rng	Sec	QQ	Latitude	Longitude
Well 1	2537213	AGG001	31 N.	40 E.	17	NE¼NE¼NE¼	48.19241°N	117.78128°W
Well 2	2537213	AGG002	31 N.	40 E.	17	SE¼NE¼NE¼	48.19183°N	117.78123°W
Well 3	2537213	proposed	31 N.	40 E.	17	SE¼NE¼NE¼	48.19200°N	117.78128°W

Datum: WGS84

GPM = Gallons Per Minute; Ac-ft/yr = Acre-feet per year; Sec. = Section; QQ Q = Quarter-quarter of a section;  
 WRIA = Water Resource Inventory Area; E.W.M. = East of the Willamette Meridian; Datum: WGS84.

### *Public Notice*

RCW 90.03.280 requires that notice of a water right application be published once a week, for two consecutive weeks, in a newspaper of general circulation in the county or counties where the water is to be stored, diverted and used. Notice of this application was published in the *Chewelah Independent* on April 28 and May 5, 1994.

### *State Environmental Policy Act (SEPA)*

A water right application is subject to a SEPA threshold determination (i.e., an evaluation whether there are likely to be significant adverse environmental impacts) if any one of the following conditions are met.

- (a) It is a surface water right application for more than 1 cubic foot per second, unless that project is for agricultural irrigation, in which case the threshold is increased to 50 cubic feet per second, so long as that irrigation project will not receive public subsidies;
- (b) It is a groundwater right application for more than 2,250 gallons per minute;
- (c) It is an application that, in combination with other water right applications for the same project, collectively exceed the amounts above;
- (d) It is a part of a larger proposal that is subject to SEPA for other reasons (e.g., the need to obtain other permits that are not exempt from SEPA);
- (e) It is part of a series of exempt actions that, together, trigger the need to do a threshold determination, as defined under WAC 197-11-305.

Because this application does not meet any of these conditions, it is categorically exempt from SEPA and a threshold determination is not required.

## **INVESTIGATION**

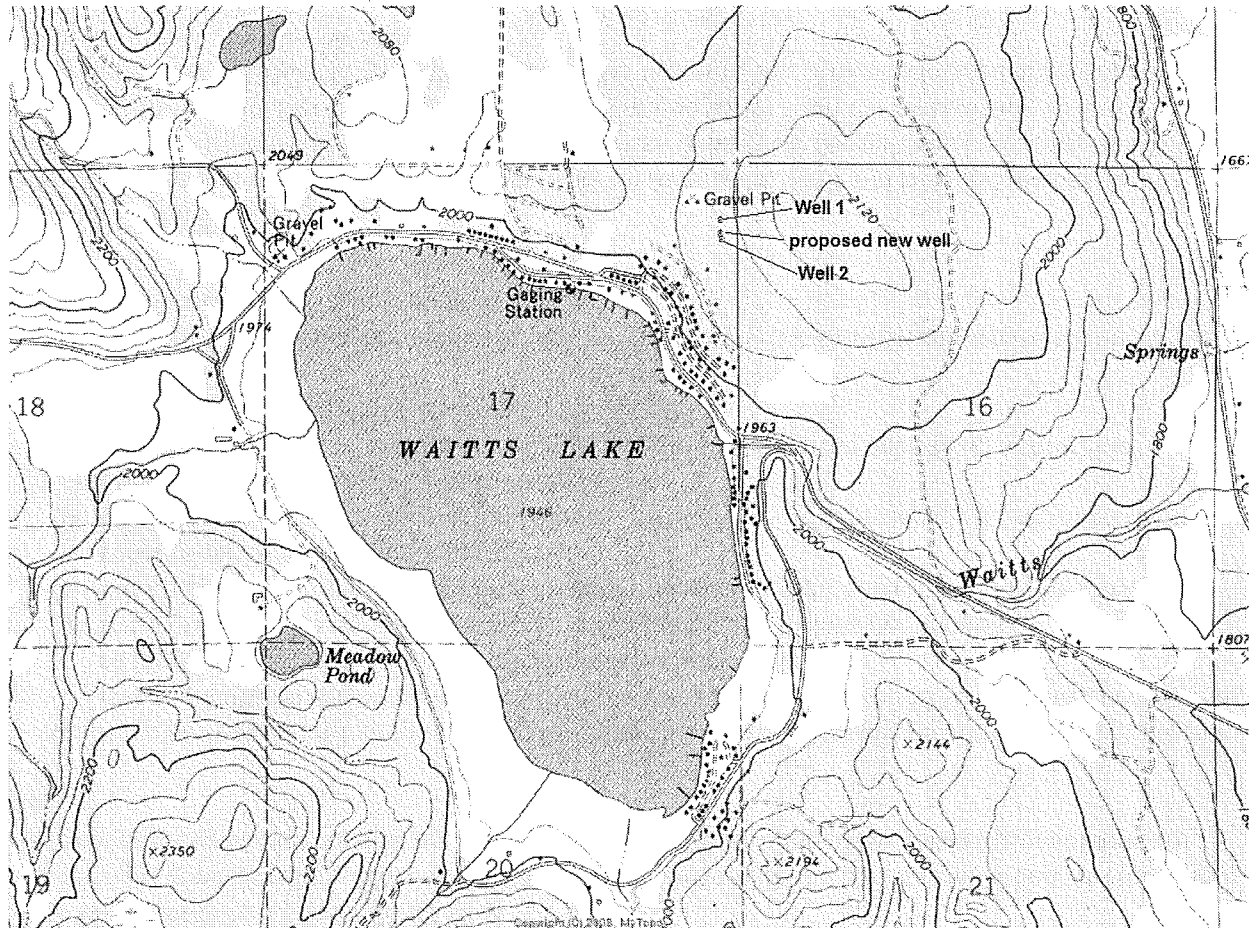
A field investigation was conducted by Gene Drury on August 28, 2013 and included telephone discussions with Dick Price (PUD Manager) and Charisse Willis (PUD Special Projects Coordinator). It was noted that the project has started as the PUD has pumped water from the two existing wells for municipal supply purposes for the Waitts Lake Water System. This project is located approximately three miles west of Valley, Washington.

### PUD Waitts Lake System Water Use

2012 = 19,700,000 gallons (60.4 acre-feet)  
 2011 = 19,400,000 gallons (59.5 acre-feet)  
 2010 = 17,900,000 gallons (54.9 acre-feet)  
 2009 = 22,900,000 gallons (70.3 acre-feet)  
 2008 = 23,900,000 gallons (91.8 acre-feet)

# PUD Waitts Lake Water System Well Information

Well #	Size	Static Water Level (ft)	Pump Hp.	Well Capacity
Well 1	10" x 302'	217	10	70 gpm
Well 2	10" x 257'	217	15	145 gpm
Well 3	---	**proposed well**	---	---



USGS 7.5 Minute (Topographic Map) - "Waitts Lake"

## Proposed Use and Basis of Water Demand

The applicant has asked for an increase in authorized instantaneous rate of 250 gallons per minute with no increase in annual quantity. The current water system has two operating wells. The wells are authorized under existing water rights. A third well is proposed to be constructed near the existing two wells to improve fire flow and be used for emergency back-up purposes.

## **Existing PUD Water Rights – Waitts Lake System**

### **Ground Water Certificate No. G3-28284C**

Recorded Name: Public Utility District No. 1 of Stevens County  
Priority Date: September 12, 1986  
Instantaneous Quantity: 250 gallons per minute  
Annual Quantity: 250 acre-feet per year  
Source: Two (2) wells (S01, S02)  
Purpose of Use: Municipal Supply  
Points of Withdrawal: 1) NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec. 17, T. 31 N., R. 40 E.W.M.  
2) SE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec. 17, T. 31 N., R. 40 E.W.M.  
Place of Use: Area served by P.U.D. No. 1 of Stevens

### **Ground Water Certificate No. G3-24105C (C. CHG 1-3-487)**

Recorded Name: Stevens County P.U.D. No. 1  
Priority Date: January 17, 1975  
Instantaneous Quantity: 90 gallons per minute  
Annual Quantity: 134 acre-feet per year  
Source: Two (2) wells (S01, S02)  
Purpose of Use: Municipal Supply  
Points of Withdrawal: 1) NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec. 17, T. 31 N., R. 40 E.W.M.  
2) SE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec. 17, T. 31 N., R. 40 E.W.M.  
Place of Use: Area served by Stevens County Public Utility District No. 1 within Stevens County, Washington

### **Ground Water Certificate No. G3-01405C (C. CHG 1-3-486)**

Recorded Name: Stevens County P.U.D. No. 1  
Priority Date: February 10, 1965  
Instantaneous Quantity: 60 gallons per minute  
Annual Quantity: 96 acre-feet per year  
Source: Two (2) wells (S01, S02)  
Purpose of Use: Municipal Supply  
Points of Withdrawal: 1) NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec. 17, T. 31 N., R. 40 E.W.M.  
2) SE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec. 17, T. 31 N., R. 40 E.W.M.  
Place of Use: Area served by Stevens County Public Utility District No. 1 within Stevens County, Washington

### **Ground Water Certificate No. G3-00714C (C. CHG 1-3-485)**

Recorded Name: Stevens County P.U.D. No. 1  
Priority Date: February 10, 1965  
Instantaneous Quantity: 10 gallons per minute  
Annual Quantity: 5 acre-feet per year  
Source: Two (2) wells (S01, S02)  
Purpose of Use: Municipal Supply  
Points of Withdrawal: 1) NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec. 17, T. 31 N., R. 40 E.W.M.  
2) SE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec. 17, T. 31 N., R. 40 E.W.M.  
Place of Use: Area served by Stevens County Public Utility District No. 1 within Stevens County, Washington

NOTE: The PUD does hold other surface water claims which were not included in the above list. After discussions with the PUD, it appears that the rights under these claims may have been relinquished due to non-use of water under RCW 90.14.160.

## **Impairment Considerations**

Impairment is an adverse impact on the physical availability of water for a beneficial use that is entitled to protection. A water right application may not be approved if it would:

- Interrupt or interfere with the availability of water to an adequately constructed groundwater withdrawal facility of an existing right. An adequately constructed groundwater withdrawal facility is one that (a) is constructed in compliance with well construction requirements and (b) fully penetrates the saturated zone of an aquifer or withdraws water from a reasonable and feasible pumping lift.
- Interrupt or interfere with the availability of water at the authorized point of diversion of a surface water right. A surface water right conditioned with instream flows may be impaired if a proposed use or change would cause the flow of the stream to fall to or below the instream flow more frequently or for a longer duration than was previously the case.
- Interrupt or interfere with the flow of water allocated by rule, water rights, or court decree to instream flows.
- Degrade the water quality of the source to the point that the water is unsuitable for beneficial use by existing users (e.g., via sea water intrusion).

The PUD has requested an increase in instantaneous quantity only, with no additional consumptive water use. Because this requested appropriation is non-additive with respect to annual quantity, and would not result in increased water consumption, this application has no tangible effect on other pending requests and can be processed prior to older pending applications.

The existing wells have been in use since around 1980 with no reported well interference issues. A review of Ecology records was also conducted for other water rights in the vicinity of the PUD points of withdrawal. The additional instantaneous quantity is available for withdrawal and proposed well will not impair existing water rights.

## **Water Availability**

For water to be available for appropriation, it must be both physically and legally available.

### ***Physical availability***

For water to be physically available for appropriation there must be ground or surface water present in quantities and quality and on a sufficiently frequent basis to provide a reasonably reliable source for the requested beneficial use or uses. In addition, the following factors are considered:

- Volume of water represented by senior water rights, including federal or tribal reserved rights or claims;
- Water right claims registered under Chapter 90.14 RCW;
- Ground water uses established in accordance with Chapter 90.44 RCW, including those that are exempt from the requirement to obtain a permit; and
- Potential riparian water rights, including non-diversionary stock water.



- Lack of data indicating water usage can also be a consideration in determining water availability, if the department cannot ascertain the extent to which existing rights are consistently utilized and cannot affirmatively find that water is available for further appropriation.

### ***Legal availability***

To determine whether water is legally available for appropriation, the following factors are considered:

- Regional water management plans – which may specifically close certain water bodies to further appropriation.
- Existing rights – which may already appropriate physically available water.
- Fisheries and other instream uses (e.g., recreation and navigation). Instream needs, including instream and base flows set by regulation. Water is not available for out of stream uses where further reducing the flow level of surface water would be detrimental to existing fishery resources.
- The Department may deny an application for a new appropriation in a drainage where adjudicated rights exceed the average low flow supply, even if the prior rights are not presently being exercised. Water would not become available for appropriation until existing rights are relinquished for non-use by state proceedings.

The PUD has requested an increase in instantaneous quantity only, with no additional consumptive water use. The PUD holds adequate annual acre-feet per year under existing water rights. The increase of 250 gallons per minute from the existing municipal supply system will be for operational purposes only as no additional consumptive water is being withdrawn. The 250 gallons per minute is available for withdrawal.

### **Beneficial Use**

The proposed municipal use of water is defined in statute as a beneficial use (RCW 90.54.020(1)).

### **Public Interest Considerations**

#### ***Consideration of Protests and Comments***

There has been no public expression of protest or concern regarding the subject proposal, and no findings through this investigation indicate that there would be any detrimental impact to the public welfare through issuance of the proposed appropriation.

### **Conclusions**

It is the conclusion of this examiner that: (1) public groundwater is available for appropriation for an instantaneous withdrawal of 250 gallons per minute, continuously, for municipal supply purposes; (2) this is a beneficial use; (3) it will not impair existing rights; and (4) it will not be detrimental to the public welfare.

### **RECOMMENDATIONS**

Based on the above investigation and conclusions, I recommend that this request for a water right be approved in the amounts and within the limitations listed below and subject to the provisions listed above.

The amount of water recommended is a maximum limit and the water user may only use that amount of water within the specified limit that is reasonable and beneficial:

**Quantity**

250 gallons per minute; 0 acre-feet per year

**Purpose of Use**

Municipal Supply

**Points of Withdrawal**

Well 1: NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ , Section 17, Township 31 North, Range 40 E.W.M.

Well 2: SE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ , Section 17, Township 31 North, Range 40 E.W.M.

Well 3: SE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ , Section 17, Township 31 North, Range 40 E.W.M.

**Place of Use**

Area served by Stevens County Public Utility District No. 1. The place of use (POU) of this water right is the service area described in the most recent Stevens County PUD No. 1 Water System Plan approved by the Washington State Department of Health, so long as the water system is and remains in compliance with the criteria in RCW 90.03.386(2). RCW 90.03.386 may have the effect of revising the place of use of this water right.

Note: This authorization is for an additional instantaneous supply only (250 gallons per minute).

**Total amount authorized under G3-00714C(1-3-485), G3-01405C(1-3-486), G3-24105C(1-3-487), G3-28284C and G3-29582 shall not exceed 650 gallons per minute and 384 acre-feet per year, continuously, for municipal supply.**

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*Gene Drury, Report Writer*

*Date*

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